

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Raymond Van Dyke on Thursday, January 27, 2011.

The application has been amended as follows:

#### Specification:

Page 4, line 15, replaced "accurately" with --arcuately--.

#### Claims:

Claim 14. The extermination device as claimed in claim 31,

wherein the second housing ~~holder~~ is configured to hold a plurality of expanded resilient rings and to hold a first one of the expanded resilient rings at a release position, and

the extermination device is configured to release the first one of the expanded resilient rings when the trigger device ~~mechanism~~ is actuated and to move a second

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one of the expanded resilient rings to the release position when the first one of the expanded resilient rings is released from the release position.

Claim 18. The extermination device as claimed in claim 31, configured to release the at least one expanded resilient ring, such that it contracts around a ~~the~~ neck of the vermin.

Claim 28. The vermin extermination device according to claim 31, further comprising:

loading device means having a tapering body adapted to allow said resilient ring to be expanded from a ~~the~~ narrow end to a ~~the~~ wide end of the tapering body, wherein the wide end includes a formation adapted to engage with said second housing holder ~~holder~~ of said vermin extermination device.

Claim 31. A vermin extermination device comprising:

a first housing, said first housing having a passage therethrough,

a second housing, said second housing having a closed passage therein with ~~and~~ an open end, said first and second housings aligned and connected so that said passage is substantially coterminus with the open end of said closed passage, forming a common passage within said first and second housings,

a trigger device having a trigger, said trigger placed between a bait or attractant within said closed passage and said open end of said closed passage, a vermin actuating said trigger device while within said common passage,

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a ring release mechanism connected to said trigger mechanism,  
at least one resilient ring, said ring release mechanism releasing said at least one resilient ring after an expanded said at least one resilient ring is expanded, upon configuration of said at least one expanded resilient ring and actuation of said trigger device by said vermin, onto said vermin in said common passage,

said at least one expanded resilient ring, upon release by said ring release mechanism onto said vermin, detaches from said vermin extermination device so as to be free therefrom and contracts onto said vermin,

whereby said vermin is killed.

Claim 38. The vermin extermination device according to claim 31, further comprising a spring means for assisting the ring release mechanism in releasing ~~release~~ said at least one expanded resilient ring.

Claim 39. The vermin extermination device according to claim 38, wherein said spring means, upon actuation of said trigger device by said vermin, applies a force to said ring release mechanism, forcing said at least one expanded resilient ring onto said vermin.

Claim 40. The vermin extermination device according to claim 39, wherein said expanded resilient ring is disposed on said second housing adjacent the open end thereof, whereby said force from said spring means pushes said at least one expanded resilient ring free of the second housing.

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Claim 41. The vermin extermination device according to claim 40, wherein said second housing comprises a notch at said open end, said spring means connected to said trigger device through said notch, said spring means, upon actuation by said vermin, applying said force to said at least one expanded resilient ring along said notch, whereby said spring means pushes said at least one expanded resilient ring off said second housing onto said vermin.

Claim 44. The vermin extermination device according to claim 38, wherein said trigger device comprises:

a firing means having a cocked position and a release position, and

said spring ~~a biasing~~ means for biasing said firing means when in said cocked position to said release position,

whereby upon actuation of said trigger device by said vermin, said firing means, through action by said spring ~~biasing~~ means, moves from said cocked position to said release position.

Claim 45. The vermin extermination device according to claim 44, wherein said firing means, under the action of said spring ~~biasing~~ means, pushes said at least one expanded resilient ring free of said extermination device and onto said vermin.

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Claim 46. The vermin extermination device according to claim 31, further comprising leverage means for leveraging the energy input in arming ~~[[the]]~~ said at least one expanded resilient ring to release said at least one expanded resilient ring.

Claim 49. The vermin extermination device according to claim 48, wherein said firing means, under the action of said biasing means, pushes said at least one expanded resilient ring free of said extermination device and onto said vermin.

Claim 50. The vermin extermination device according to claim 31, wherein said resilient ring is made of a material selected from the group consisting of: natural rubber, synthetic rubber, a composite material and a metal.

Claim 51. The vermin extermination device according to claim 31, wherein said at least one expanded resilient ring has a configuration selected from the group consisting of: circular and rectangular.

Claim 52. The vermin extermination device according to claim 31, wherein said at least one expanded resilient ring, upon release, contracts to a normal size, the contracted resilient ring at said normal size having an inner diameter less than a ~~[[the]]~~ neck size of a vermin.

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Claim 56. The vermin extermination device according to claim 31, wherein [[the]] diameters of said passage and said closed passage differ.

Claim 58. The vermin extermination device comprising:

a first housing having a base portion and a passage portion, said passage portion having a passage therethrough, a vermin entering said extermination device at a first end thereof, said base portion extending beyond the second end of said passage portion and having a reception portion for situating said second housing thereon;

a second housing having a closed passage therein with an open end, said second housing seated in said reception portion of said first housing, said second end of said passage portion ~~first housing~~ and said open end of said second housing being aligned so that said passage is substantially coterminus with said closed passage, forming a common passage through said first and second housings;

a trigger device having a trigger disposed within said common passage, said trigger placed between a bait or attractant within said closed passage and said open end of said closed passage, a vermin actuating said trigger device while within said common passage;

a ring release mechanism connected to said trigger device; and

at least one resilient ring, said ring release mechanism releasing said at least one resilient ring after an expanded ~~said at least one resilient ring is expanded~~, upon configuration of said at least one expanded resilient ring and actuation of said trigger device by said vermin, onto said vermin in said common passage, said at least one

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expanded resilient ring detaching from said extermination device so as to be free therefrom and contracting onto said vermin,

whereby said vermin is killed.

Claim 59. The vermin extermination device according to claim 58, further comprising leverage means for leveraging the energy input in arming ~~[[the]]~~ said at least one expanded resilient ring to release said at least one expanded resilient ring.

Claim 62. The vermin extermination device according to claim 61, wherein said firing means, under the action of said biasing means, pushes said at least one expanded resilient ring free of said extermination device and onto said vermin.

Claim 63. A method of exterminating vermin comprising:

loading at least one resilient ring onto a ring release mechanism, said at least one one ~~[[a]]~~ resilient ring loaded being expanded thereby;

setting a trigger device having a trigger;

positioning said trigger within a common passage; ~~[[,]]~~

forming ~~wherein~~ said common passage ~~is formed~~ by aligning and connecting a first housing having a passage therethrough with a second housing, said second housing having a closed passage therein with ~~[[and]]~~ an open end, said first and second housings aligned so that said passage is substantially coterminus with said open end, forming said common passage;

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placing wherein said trigger is ~~placed~~ between a bait or attractant within said closed passage and said open end of said closed passage,

wherein upon actuation of said trigger by a vermin, triggering the release of said at least one expanded resilient ring from said extermination device onto said vermin in said common passage such that said at least one expanded ring is free from said extermination device,

whereby the at least one released expanded resilient ring contracts ~~contacts~~ upon and kills said vermin.

Claim 64. The method of exterminating vermin according to claim 63, further comprising:

arming said extermination device ~~is armed~~ by a user contracting a ~~[[said]]~~ spring means, said spring means providing the energy to activate said extermination device after actuation by said vermin.

Claim 65. The method of exterminating vermin according to claim 63, further comprising:

arming said extermination device by a user expanding said at least one resilient ring onto said ring release mechanism, said at least one expanded resilient ring providing the energy to activate said extermination device after actuation by said vermin.



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Claim 66. The method of exterminating vermin according to claim 63, wherein a plurality of said resilient rings are loaded onto said ring release mechanism, and wherein said ring release mechanism releases one of said plurality of resilient rings onto said vermin.

Claim 67. The method of exterminating vermin according to claim 66, wherein after said one resilient ring is released, moving a second of said resilient rings to a release position.

Claim 68. ~~[[The]]~~A method of exterminating vermin according to claim 63, the method comprising employing the vermin extermination device of claim 31.

Claim 69. A kit for a vermin extermination device comprising:

a first housing, said first housing having a passage therethrough,  
a second housing, said second housing having a closed passage therein with  
[[and]] an open end, said first and second housings being configurable for alignment and connection so that said passage is substantially coterminus with the open end of said closed passage, forming a common passage within said first and second housings,  
a trigger device having a trigger, said trigger when configured being placed between a bait or attractant within said closed passage and said open end of said closed passage, a vermin actuating said trigger device while within said common passage,

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a ring release mechanism when configured being connected to said trigger mechanism,

at least one resilient ring, said ring release mechanism when configured releasing said at least one resilient ring after an expanded said at least one resilient ring is placed thereon and is thereby expanded, upon actuation of said trigger device by said vermin, onto said vermin in said common passage,

said at least one expanded resilient ring, when configured and upon release by said ring release mechanism onto said vermin, detaches from said vermin extermination device so as to be free therefrom and contracts onto said vermin,

whereby said vermin is killed by the configured vermin extermination device.

2. The following is an examiner's statement of reasons for allowance:

In regard to claims 31 and 68, the prior art of record does not disclose a vermin extermination device comprising said at least one expanded resilient ring, upon release by said ring release mechanism onto said vermin, detaches from said vermin extermination device so as to be free therefrom and contracts onto said vermin.

In regard to claim 58, the prior art of record does not disclose a vermin extermination device comprising said ring release mechanism releasing said at least one resilient ring after said at least one resilient ring is expanded, upon configuration of said at least one expanded resilient ring and actuation of said trigger device by said vermin, onto said vermin in said common passage, said at least one expanded resilient

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ring detaching from said extermination device so as to be free therefrom and contracting onto said vermin.

In regard to claim 63, the prior art of record does not disclose a method of exterminating vermin comprising wherein upon actuation of said trigger by a vermin, triggering the release of said at least one expanded resilient ring from said extermination device onto said vermin in said common passage such that said at least one expanded ring is free from said extermination device.

In regard to claim 69, the prior art of record does not disclose a kit for a vermin extermination device comprising said at least one expanded resilient ring, when configured and upon release by said ring release mechanism onto said vermin, detaches from said vermin extermination device so as to be free therefrom and contracts onto said vermin.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-F, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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